

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED
GREAT FALLS, MT

2011 SEP 13 AM 7 53

PATRICK E. DUFFY, CLERK
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UNITED STATES OF AMERICA,)	Nos. CR-10-08-GF-SEH
)	CV-11-57-GF-SEH
Plaintiff/Respondent,)	
)	
vs.)	ORDER
)	
TAMMY LYNN CADOTTE,)	
)	
Defendant/Movant.)	

On August 29, 2011, Defendant/Movant Tammy Lynn Cadotte (Cadotte) moved to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Cadotte is a federal prisoner proceeding pro se.

Cadotte was originally indicted for violations of the Controlled Substances Act, 21 U.S.C. §§ 846, 841(a)(1), 860. Following the filing of a Plea Agreement, Cadotte pled guilty to an Information charging her with one count of misprision of a felony, a violation of 18 U.S.C. § 4. Indictment (doc. 1) at 1-4; Superseding Information (doc. 26); Plea Agreement (doc. 28).

Cadotte now alleges this Court lacked jurisdiction under the Major Crimes Act, 18 U.S.C. § 1153, because she is not an "Indian person." That is irrelevant. This

Court had subject matter jurisdiction under 18 U.S.C. § 3231, regardless of Cadotte's Indian status, and regardless of whether the crime occurred on or off a reservation. *United States v. Begay*, 42 F.3d 486, 497-500 (9th Cir. 1994); *United States v. Young*, 936 F.2d 1050, 1055 (9th Cir. 1991).

A certificate of appealability is denied. Cadotte has made no showing that any of her rights, much less a federal constitutional right, was violated. 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

ORDERED:

1. Cadotte's § 2255 motion (doc. 78) is DENIED;
2. A certificate of appealability is DENIED. The Clerk of Court shall immediately process the appeal if Cadotte files a Notice of Appeal;
3. The Clerk of Court shall ensure that all pending motions in this case and in CV 11-57-GF-SEH are terminated and shall close the civil file by entering judgment in favor of the United States and against Cadotte.

DATED this 12th day of September, 2011.


Sam E. Haddon
United States District Court